

AMENDED IN ASSEMBLY APRIL 27, 2000

AMENDED IN ASSEMBLY MARCH 28, 2000

SENATE BILL

No. 984

Introduced by Senator Polanco

(Principal coauthors: Assembly Members Villaraigosa and
Cardenas)

~~(Coauthor: Senator Dunn)~~

(Coauthors: Senators Dunn and O'Connell)

(Coauthors: Assembly Members Cedillo, Floyd, Frusetta,
Granlund, Lempert, Longville, Reyes, Wesson, Wiggins,
and Wright)

February 26, 1999

An act to amend Section 37220.5 of, *and to add Section 51008 to*, the Education Code, and to amend Sections 19853 and 19853.1 of the Government Code, relating to Cesar Chavez Day, *and making an appropriation therefor*.

LEGISLATIVE COUNSEL'S DIGEST

SB 984, as amended, Polanco. State holidays: Cesar Chavez Day.

~~Existing~~

(1) Existing law authorizes the public schools to close on March 31 for "Cesar Chavez Day" and designates specified days to be set apart as days of special significance.

The bill would authorize every eligible school district, county office of education, and charter school, as specified, to schedule a minimum school day and calculate the day as a full instructional day for the purposes of calculating instructional

time requirements and receive funding, as specified, to cover the costs of materials or service opportunities, and use existing state allocations for instructional materials for the purpose of covering the costs of materials.

The bill would require the State Board of Education to ensure that the curriculum of every school, where appropriate, includes instruction on Cesar Chavez and the history of the farm labor movement in the United States and that state criteria for selecting textbooks include information to guide the selection of textbooks that highlight the life and contributions of Cesar Chavez and the history of the farm labor movement in the United States.

(2) Existing law includes March 31, known as Cesar Chavez Day as a state holiday.

This bill would provide that March 31 is a paid holiday for state employees.

This provision would become effective only when the Department of Personnel Administration notifies the Legislature that the provision has been agreed to by all exclusive state employee representatives, and the department authorizes this holiday to be applied to employees designated as excluded from the Ralph C. Dills Act, which governs state employer-employee relations, and the necessary statutes are amended to reflect this change.

(3) *The bill would appropriate \$14,000,000 from the General Fund to the Superintendent of Public Instruction for allocation to every eligible school district, county office of education, and charter school to cover the costs of materials or service opportunities related to Cesar Chavez Day.*

To the extent that funds are appropriated in this bill to a school district or community college district, those funds would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.



The people of the State of California do enact as follows:

SECTION 1. Section 37220.5 of the Education Code is amended to read:

37220.5. (a) In addition to the holidays prescribed in Section 37220, public schools may be closed on March 31, known as “Cesar Chavez Day,” or the appropriate Monday or Friday following or preceding that date, if the governing board, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to close schools for that purpose.

(b) On March 31 or on the day determined by the governing board, public schools and educational institutions throughout the state are encouraged to include exercises, funded through existing resources, commemorating and directing attention to the history of the farm labor movement in the United States and particularly the role therein of Cesar Chavez. The State Board of Education may adopt a model curriculum guide to be available for use by public schools for exercises related to Cesar Chavez Day.

(1) A school district is eligible to receive all of the benefits contained in paragraph (2) if it provides specific assurances to the Superintendent of Public Instruction that the schools under its jurisdiction will accomplish both of the following:

(A) Include a minimum of one instructional hour that provides age-appropriate and accurate information on the life and work of Cesar Chavez.

(B) Provide that the pupils of each classroom, in honor of the memory of Cesar Chavez, engage in grade-appropriate service to fellow classmates and to the pupils’ school. Schools may organize these activities in cooperation with Americorps, the California Conservation Corps, and similar service organizations, utilizing the resources of the service organization and the school.

1 (2) A school district that makes the specific assurances
2 pursuant to paragraph (1) is authorized to do all of the
3 following:

4 (A) Notwithstanding any otherwise applicable
5 requirements for hours of instruction, a school district
6 may schedule a minimum school day and calculate the
7 day as a full instructional day for the purposes of
8 calculating instructional time requirements.

9 (B) Receive a minimum amount of five hundred
10 dollars (\$500) or the amount of two dollars (\$2) for each
11 pupil who was enrolled in the prior year as a supplement
12 to existing funding to cover the costs of materials or
13 service opportunities.

14 (C) Use existing state allocations for instructional
15 materials for the purpose of covering the costs of
16 materials.

17 (3) A school district that accepts any of the benefits of
18 paragraph (1) shall include a minimum of one
19 instructional hour that provides age-appropriate and
20 accurate information on the life and work of Cesar
21 Chavez and provide that the pupils of each classroom, in
22 honor of the memory of Cesar Chavez, engage in
23 grade-appropriate service to fellow classmates and to the
24 pupils' school.

25 (4) For the purposes of this subdivision, a "school
26 district" includes school districts, county offices of
27 education, and charter schools.

28 SEC. 2. Section 51008 is added to the Education Code,
29 to read:

30 51008. The State Board of Education shall ensure that
31 the curriculum of every school, where appropriate,
32 include instruction on Cesar Chavez and the history of
33 the farm labor movement in the United States, and that
34 the state criteria for selecting textbooks include
35 information to guide the selection of textbooks that
36 contain sections that highlight the life and contributions
37 of Cesar Chavez and the history of the farm labor
38 movement in the United States.

39 ~~SEC. 2.—~~

1 SEC. 3. Section 19853 of the Government Code is
2 amended to read:

3 19853. (a) Except as provided in subdivision (c), all
4 employees shall be entitled to the following holidays:
5 January 1, the third Monday in January, February 12, the
6 third Monday in February, March 31, the last Monday in
7 May, July 4, the first Monday in September, the second
8 Monday in October, November 11, the day after
9 Thanksgiving, December 25, the day chosen by an
10 employee pursuant to Section 19854, and every day
11 appointed by the Governor of this state for a public fast,
12 thanksgiving, or holiday.

13 If a day listed in this subdivision falls on a Sunday, the
14 following Monday shall be deemed to be the holiday in
15 lieu of the day observed. If November 11th falls upon a
16 Saturday, the preceding Friday shall be deemed to be the
17 holiday in lieu of the day observed. Any employee who
18 may be required to work on any of the holidays included
19 in this subdivision, and who does work on any of these
20 holidays, shall be entitled to be paid compensation or
21 given compensating time off for that work in accordance
22 with their classification's assigned workweek group. For
23 the purpose of computing the number of hours worked,
24 time when an employee is excused from work because of
25 holidays, sick leave, vacation, annual leave, or
26 compensating time off, shall be considered as time
27 worked by the employee.

28 (b) If the provisions of subdivision (a) are in conflict
29 with the provisions of a memorandum of understanding
30 reached pursuant to Section 3517.5, the memorandum of
31 understanding shall be controlling without further
32 legislative action, except that if the provisions of a
33 memorandum of understanding require the expenditure
34 of funds, the provisions shall not become effective unless
35 approved by the Legislature in the annual Budget Act.

36 (c) Any employee, who is either excluded from the
37 definition of state employee in subdivision (c) of Section
38 3513, or is a nonelected officer or employee of the
39 executive branch of government who is not a member of
40 the civil service, shall be entitled to the following

1 holidays, with pay, in addition to any official state holiday
2 appointed by the Governor:

3 (1) January 1, the third Monday in January, February
4 12, the third Monday in February, March 31, the last
5 Monday in May, July 4, the first Monday in September,
6 the second Monday in October, November 11,
7 Thanksgiving Day, the day after Thanksgiving,
8 December 25, and any personal holiday chosen pursuant
9 to Section 19854. The department head or designee may
10 require an employee to provide five working days'
11 advance notice before a personal holiday is taken, and
12 may deny use subject to operational needs.

13 (2) When November 11 falls on a Saturday, employees
14 shall be entitled to the preceding Friday as a holiday with
15 pay.

16 (3) When a holiday, other than a personal holiday or
17 November 11, falls on a Saturday, an employee shall,
18 regardless of whether he or she works on the holiday, only
19 accrue an additional eight hours of personal holiday
20 credit per fiscal year for the holiday. The holiday credit
21 shall be accrued on the actual date of the holiday and shall
22 be used within the same fiscal year.

23 (4) When a holiday other than a personal holiday falls
24 on Sunday, employees shall be entitled to the following
25 Monday as a holiday with pay.

26 (5) Employees who are required to work on a holiday
27 shall be entitled to pay or compensating time off for this
28 work in accordance with their classification's assigned
29 workweek group.

30 (6) Less than full-time employees shall receive
31 holidays in accordance with Department of Personnel
32 Administration rules.

33 (d) (1) Any employee, as defined in subdivision (c) of
34 Section 3513, may elect to receive eight hours of holiday
35 credit for the fourth Friday in September, known as
36 "Native American Day," in lieu of receiving eight hours
37 of personal holiday credit in accordance with Section
38 19854.

39 (2) It is not the intent of the Legislature, by the
40 amendments to this subdivision that add this paragraph,

1 to increase the personal holiday credit that an employee
2 receives pursuant to Section 19854.

3 (e) This section shall become effective with regard to
4 the March 31 holiday only when the Department of
5 Personnel Administration notifies the Legislature that
6 the language contained in this section has been agreed to
7 by all exclusive representatives, and the Department of
8 Personnel Administration authorizes this holiday to be
9 applied to employees designated as excluded from the
10 Ralph C. Dills Act (Chapter 10.3 (commencing with
11 Section 3512), Division 4, Title 1), and the necessary
12 statutes are amended to reflect this change.

13 ~~SEC. 3.—~~

14 SEC. 4. Section 19853.1 of the Government Code is
15 amended to read:

16 19853.1. (a) Notwithstanding Section 19853, this
17 section shall apply to state employees in State Bargaining
18 Unit 5.

19 (b) Except as provided in subdivision (c), all
20 employees shall be entitled to the following holidays:
21 January 1, the third Monday in January, the third Monday
22 in February, March 31, the last Monday in May, July 4, the
23 first Monday in September, November 11, the day after
24 Thanksgiving, December 25, and every day appointed by
25 the Governor of this state for a public fast, thanksgiving,
26 or holiday.

27 If a day listed in this subdivision falls on a Sunday, the
28 following Monday shall be deemed to be the holiday in
29 lieu of the day observed. If November 11 falls upon a
30 Saturday, the preceding Friday shall be deemed to be the
31 holiday in lieu of the day observed. Any employee who
32 may be required to work on any of the holidays included
33 in this section and who does work on any of these holidays
34 shall be entitled to be paid compensation or given
35 compensating time off for that work in accordance with
36 his or her classification's assigned workweek group.

37 (c) If the provisions of subdivision (b) are in conflict
38 with the provisions of a memorandum of understanding
39 reached pursuant to Section 3517.5, the memorandum of
40 understanding shall be controlling without further

1 legislative action, except that if the provisions of a
2 memorandum of understanding require the expenditure
3 of funds, the provisions shall not become effective unless
4 approved by the Legislature in the annual Budget Act.

5 (d) Any employee who either is excluded from the
6 definition of state employee in subdivision (c) of Section
7 3513, or is a nonelected officer or employee of the
8 executive branch of government who is not a member of
9 the civil service, is entitled to the following holidays, with
10 pay, in addition to any official state holiday appointed by
11 the Governor:

12 (1) January 1, the third Monday in January, the third
13 Monday in February, March 31, the last Monday in May,
14 July 4, the first Monday in September, November 11,
15 Thanksgiving Day, the day after Thanksgiving, *and*
16 December 25.

17 (2) When November 11 falls on a Saturday, employees
18 shall be entitled to the preceding Friday as a holiday with
19 pay.

20 (3) When a holiday, other than a personal holiday, falls
21 on a Saturday, an employee shall, regardless of whether
22 he or she works on the holiday, accrue only an additional
23 eight hours of personal holiday credit per fiscal year for
24 the holiday. The holiday credit shall be accrued on the
25 actual date of the holiday and shall be used within the
26 same fiscal year.

27 (4) When a holiday other than a personal holiday falls
28 on Sunday, employees shall be entitled to the following
29 Monday as a holiday with pay.

30 (5) Employees who are required to work on a holiday
31 shall be entitled to pay or compensating time off for this
32 work in accordance with their classification's assigned
33 workweek group.

34 (6) Persons employed on less than a full-time basis
35 shall receive holidays in accordance with the Department
36 of Personnel Administration rules.

37 (e) Any employee, as defined in subdivision (c) of
38 Section 3513, may elect to use eight hours of vacation,
39 annual leave, or compensating time off consistent with
40 departmental operational needs and collective

1 bargaining agreements for the fourth Friday in
2 September, known as “Native American Day.”

3 (f) This section shall become effective with regard to
4 the March 31 holiday only when the Department of
5 Personnel Administration notifies the Legislature that
6 the language contained in this section has been agreed to
7 by all exclusive representatives, and the Department of
8 Personnel Administration authorizes this holiday to be
9 applied to employees designated as excluded from the
10 Ralph C. Dills Act (Chapter 10.3 (commencing with
11 Section 3512), Division 4, Title 1), and the necessary
12 statutes are amended to reflect this change.

13 *SEC. 5. The sum of fourteen million dollars*
14 *(\$14,000,000) is hereby appropriated from the General*
15 *Fund to the Superintendent of Public Instruction for the*
16 *purposes of allocation to every eligible school district,*
17 *county office of education, and charter school to cover the*
18 *costs of materials or service opportunities related to Cesar*
19 *Chavez Day.*

20 *SEC. 6. Funds appropriated by this bill would be*
21 *applied toward the minimum funding requirements for*
22 *school districts and community college districts imposed*
23 *by Section 8 of Article XVI of the California Constitution.*